



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2011 REGULAR SESSION

HOUSE BILL NO. 382

AS ENACTED

FRIDAY, MARCH 4, 2011

RECEIVED AND FILED
DATE March 16, 2011
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ELAINE N. WALKER
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adles

1 AN ACT relating to consumer protection.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) For the first thirty (30) days following a motor vehicle accident, a person, as that
6 term is defined in KRS 446.010, shall not directly solicit or knowingly permit
7 another person to directly solicit an individual, or a relative of an individual,
8 involved in a motor vehicle accident for the provision of any service related to a
9 motor vehicle accident.

10 (2) For the purposes of this section, "solicit":

11 (a) Means to initiate communication in anticipation of financial gain or
12 remuneration for value; and

13 (b) Does not include:

14 1. Advertising directed to the general public;

15 2. Communications by fire, police, or emergency medical personnel
16 dispatched to a motor vehicle accident; and

17 3. Communications by an insurer as defined by KRS 304.1-040, an agent
18 as defined by KRS 304.9-020, or an adjuster licensed pursuant to
19 Subtitle 9 of KRS Chapter 304, as those terms are defined in KRS
20 Chapter 304, or an employee of an insurer or agent.

21 (3) A person who knowingly violates this section shall be subject to a one thousand
22 dollar (\$1,000) fine.

23 (4) In addition to the penalty provided in subsection (3) of this section:

24 (a) A person licensed or certified by a regulating authority in Kentucky who
25 violates this section may be sanctioned by the licensing or regulating
26 authority;

27 (b) Any charges owed by or on behalf of an individual involved in a motor

vehicle accident for services rendered by or on or behalf of a person who violates this section shall be void; and

(c) Any moneys paid by or on behalf of a victim of a motor vehicle accident for services rendered by or on behalf of a person who violates this section shall be forfeited and returned to the payor.

➔ Section 2. KRS 21A.310 is amended to read as follows:

(1) Notwithstanding KRS 21A.160, any person violating any provision of KRS 21A.300 shall, upon conviction, be guilty of a Class A misdemeanor.

(2) The Kentucky Supreme Court may discipline any attorney who violates any provision of KRS 21A.300.

(3) A penalty may be imposed on an attorney pursuant to subsection (1) of this section, subsection (2) of this section, or both subsections.

(4) In addition to any penalties imposed pursuant to subsections (1) and (2) of this section, the penalties provided under subsection (4)(b) and (c) of Section 1 of this Act shall be imposed.

➔ SECTION 3. A NEW SECTION OF KRS 199.892 TO 199.896 IS CREATED TO READ AS FOLLOWS:

(1) A child-care center licensed under KRS 199.896 shall have a written plan for evacuation in the event of fire, natural disaster, or other threatening situation that may pose a health or safety hazard to the children in the center. The plan shall include but not be limited to:

(a) A designated relocation site and evacuation route;

(b) Procedures for notifying parents of the relocation and ensuring family reunification;

(c) Procedures to address the needs of individual children including children with special needs;

(d) Instructions relating to the training of staff or the reassignment of staff

1 duties, as appropriate;


2 (e) Coordination with local emergency management officials; and

3 (f) A program to ensure that appropriate staff are familiar with the plan's
4 components.

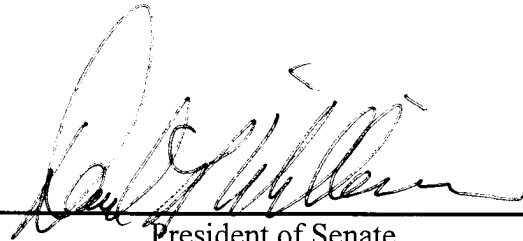
5 (2) A child-care center shall update the evacuation plan by December 31 each year.

6 (3) A child-care center shall retain an updated copy of the plan for evacuation,
7 provide an updated copy to appropriate local emergency management officials,
8 and provide a copy to each parent, custodian, or guardian of the child at the time
9 of the child's enrollment in the program and whenever the plan is updated.

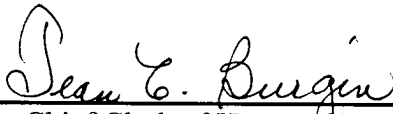
10 ➔ Section 4. Section 3 of this Act takes effect December 31, 2011.



Speaker-House of Representatives



President of Senate

Attest: 

Chief Clerk of House of Representatives

Approved 

Governor

Date 3-16-11